

AN ORDINANCE**BY COUNCILMEMBERS ANNE FAUVER & NATALYN ARCHIBONG**

AN ORDINANCE TO AMEND CHAPTER EIGHTEEN, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO PROHIBIT THE PRACTICE OF INHUMANELY CHAINING OR TETHERING DOGS; AND FOR OTHER PURPOSES.

WHEREAS, the practice of chaining dogs induces intense boredom, loneliness, and isolation-induced aggression; and

WHEREAS, these characteristics typically result in a territorial frustration and "mad dog" psychosis as evidenced by recent nationwide reports of aggression and fatal attacks; and

WHEREAS, chaining and tethering dogs interferes with their natural "fight or flight" response; and

WHEREAS, a recent study, authored in part by the federal Centers for Disease Control and Prevention ("CDC"), states that chained dogs are nearly three times more likely than untethered canines to bite or attack humans; and

WHEREAS, a 2002 CDC study showed that chained dogs killed as many children as gun accidents; and

WHEREAS, more than 100 communities across the county have law specifically addressing dog chaining; and

WHEREAS, multiple studies supported by the positions of a number of groups including the CDC, The Humane Society of the United States, and The American Veterinary Medical Association have shown that biting dogs are significantly more likely to be chained; and

WHEREAS, it is in the best interest of the Citizens and children of the City of Atlanta that dog chaining and tethering be prohibited

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: Chapter Eighteen, Article I, be hereby amended by adding thereto a new Section, 18-10, Entitled "Definitions", which reads:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Domestic Animal means an animal that is accustomed to live in or about the habitation of human beings, but not limited to: cats, cows, dogs, fowl, horses, and/or swine.

Guard or Protection Dog means any dog trained to independently or upon oral command, to protect individuals from assault and/or to prevent property loss or damage.

Humane means characterized by compassion and/or sympathy for animals.

Severe Injury means any injury which results in a broken bone, lacerations which break the skin or are severe enough to require multiple sutures, or to render cosmetic surgery necessary or appropriate, or death.

Tether means a rope, chain, or the like, by which an animal is fastened to a fixed object so as to limit its range of movement.

Vicious dog means:

- (1) Any dog which:
 - a. Is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting; or
 - b. Inflicts a severe injury on a human being or other domestic animal without provocation after the owner has notice that the dog has previously bitten or attacked or endangered the safety of a human being and/or any domestic animal; or
 - c. Intentionally attacks physical property in an effort to cause harm to a human or other domestic animal.
- (2) An animal shall not be deemed vicious if it bites, attacks, or menaces:
 - a. Anyone assaulting the owner; or
 - b. A trespasser on the property of the owner; or
 - c. Anyone committing or attempting to commit a crime; or
 - d. Any person or other animal who has tormented or abused the dog or who had in the past been observed or reported to have tormented, abused, or assaulted the dog.
 - e. In defense of an attack from a person or other animal upon the owner or other person.
 - f. In protecting or defending its young or other animal.
 - g. In its use by a law enforcement officer carrying out the law enforcement officer's official duties.

Section 2: Chapter Eighteen, Article I, be hereby amended by adding thereto a new Section, 18-11, Entitled "Restraint", which reads:

(a) It shall be unlawful for any owner or possessor of any dog to fail to keep the dog under restraint or control as provided for in this section.

(b) A dog is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that:

(1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; or

(2) It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place; or

(3) It is on a leash and under the control of a competent person; or it is off leash and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not restrained as provided for in subsection (1) or (2) above while on the owner's property.

(4) It shall be unlawful for the owner or possessor of any animal to restrain or anchor an animal by means of a tether, chain, cable, rope or cord, unless the tether or other restraint is being held by a competent person.

(c) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious animals:

(1) In addition to the requirements in subsection (b)(1) herein, owners of vicious dogs who maintain their dogs out-of-doors shall fence a portion of their property with a second perimeter or area fence. Within this perimeter or area fence, the vicious animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground or sunken into a concrete pad. The gate to the kennel shall be inward-opening and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

(2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(3) Maintain at all times either a policy of insurance or a surety bond in a minimum amount of \$1,000,000 to cover claims for any personal injuries inflicted by the dog, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.

(4) Except when being transported to a licensed veterinary facility, dangerous and vicious dogs shall not be allowed off the property of the owner. Should transport to veterinary care be needed, the animal shall be securely and humanely confined within a vehicle. Movement of the animal from the residence of owner to and from the transporting vehicle and to and from the veterinary facility shall be conducted with the

animal securely leashed by a leash no longer than six feet in length and muzzled by a muzzle or device constructed so as to prevent the animal from biting.

(d) Guard or protection dogs:

(1) Owners or custodians of any guard or protection dog must confine all such dogs within a perimeter fence and meet the following conditions, unless the dog is otherwise restrained as provided for below, subsection (d)(2):

a. The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.

b. A "beware of dog" sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.

c. The owner or custodian shall report to the Atlanta Police Department within 24 hours of any of the following:

1. Escape of the dog;
2. An attack on a human or animal by the dog;
3. Transfer of ownership of the dog;
4. Death of the dog;

(2) A guard or protection dog shall be deemed under control only when restrained by the collar provided for in this section and a secure leash not to exceed six feet in length. The leash shall be of sufficient strength to prevent escape.

(3) Dogs found running at-large or in violation of this section may be immediately impounded by officers of the animal control unit or any police officer.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.